

**Legislative Affairs Committee Agenda
January 21, 1999 Meeting / Teleconference Call
9:00 AM (Mountain Time)**

AGENDA

ITEM			PAGE
6.1	Committee Action:	Minutes of the November 16, 1998 Meeting	2 - 3
6.2	Committee Discussion:	Time and Date for the next (Spring 1999) Video Conference Meeting with the House and Senate Education Committees	--
6.3	Board Information:	Proprietary School Legislation Sunset (Idaho Code 33-107[6])	4 - 6
6.4	Board Discussion/Action:	Suggested Revision to School Boundary Legislation (Idaho Code 33-308)	7 - 9
6.5	Board Action:	Legislative Reading Committee Legislative Proposals	10 - 16
6.6	Board Action:	Idaho Education Technology Oversight Committee Legislative Proposal	17 - 21
6.7	Board Action:	Scholarship Legislative Proposal	22 - 28
6.8	Board Action:	Selective Service Compliance Legislative Proposal	29 - 31
6.9	Board Action:	Hardship Schools - Special Applications of Educational Support Program (Idaho Code 33-1003)	32 - 34
6.10	Board Action:	First Reading - Policy Manual Change to Include the Legislative Committee	35
6.11	Information:	Legislative Update	36
6.12	Discussion:	Other Legislative Items of Interest	--

**LEGISLATIVE AFFAIRS COMMITTEE
UNAPPROVED MINUTES**

Monday, November 16, 1998 1:30 p.m., Teleconference Call

PARTICIPANTS:

Curtis Eaton, SBOE	Mike Rush, VOC ED	Miles LaRowe, EITC
Tom Boyd, SBOE	Barry Thomas, VOC REHAB	Bill Robertson, EITC
Mike Killworth, OSBE	Darrell Loosle, SDE	Jeff Duggan, CSI
Randi McDermott, OSBE	Jerry Pelton, SDE	Jeff Shinn, DFM

6.1 Minutes of the September 16, 1998 teleconference meeting were **approved as submitted**.

6.2 Report on the November 12, 1998 Meeting with the House and Senate Education Committees

It was decided that Mr. Boyd would provide a brief report at the Board meeting on the Videoconference with Legislators.

Mr. Eaton suggested it would be worthwhile to send a letter to the Chairs of the Senate and House Education Committees relating the Board's conclusion that the meeting was a success. The letter could also describe interest in continuing the meeting as an annual event, with a request for encouragement of fellow Legislators to attend in the future.

6.3 Report on the Legislative Reading Committee Recommendations

Dr. Fox reported before the meeting that the Reading Committee was working on several issues, one of which involved possibly mandating credit hours in reading instruction at the college level for pre-service teachers. Dr. Fox will be available at the Board meeting to report on the activities of the Reading Committee. It was noted that the Reading Committee would like cooperation or action from the Board in relation to their recommendations.

Mr. Eaton requested this item be changed to an Action/Information Item rather than an Information Item on the Board agenda in anticipation that the Board may want to react to the Reading Committee's recommendations.

Mr. Eaton also requested the Board staff prepare a brief outline on the procedures for Board Rule development so that it may be considered in lieu of mandating curriculum in statute.

6.4 Idaho Education Technology Oversight Committee (IETOC)

This item was referred to the full Board in anticipation of the report to the Board by Senator Mel Richardson on IETOC.

6.5 Idaho State Library Legislative Proposal

This legislative proposal is designed to improve collaboration between the State Library and make funds from the Library Services Improvement Fund available to all libraries, including those that are not receiving taxpayer support, subject to the approval of the State Library Board. The proposal would also allow interest to be earned on unexpended funds in the Improvement Fund. The proposal has been submitted for pre-filing with the Division of Financial Management.

Several questions arose in regard to this legislation. Mr. Eaton requested that a representative from the State Library be at the Board meeting to discuss it. Mr. Eaton also requested that the Board's legal counsel formulate a statement on the effect of the proposed legislation.

It was decided to forward this item to the Board without a recommendation.

6.6 Idaho Historical Society Legislative Proposal

On October 19, 1998, the Historical Society Board approved a proposed legislative change that would delete consideration of political party affiliation, define geographic regions for Board member representation and set limits on terms of Board members. This legislation has been submitted to the Division of Financial Management for pre-filing.

It was decided to forward this item to the Board with a recommendation to support.

6.7 State Division of Vocational Rehabilitation Legislative Proposal

Congress amended one of the enabling federal acts this year so it becomes necessary to amend 33-2301 to reflect the correct reference to the federal law (The Rehabilitation Act of 1998, P.L. 105-220, 105 Congress). This legislation has been submitted to the Division of Financial Management for pre-filing.

It was decided to forward this item to the Board with a recommendation to support.

The meeting was adjourned at 2:15 p.m.

January 8, 1999

Senator Gary Schroeder, Chairman
Senate Education Committee

RE: Proprietary School Regulation

Dear Senator Schroeder:

This letter is to again address the ongoing concerns we all have regarding proprietary postsecondary schools in Idaho. This letter will address the history of the problem, the current state of the law, the issues and problems we are currently facing, and our options for proceeding in the coming year.

History

Since 1994 a number of issues regarding alternative education delivery have emerged. The State Board of Education, working with the House and Senate Education Committees, formed the broad-based Committee on Evaluation of Alternative Educational Delivery Systems (AEDS) to review the situation. The AEDS Committee addressed quality, access and accountability for all postsecondary programs delivered in Idaho. The Committee adopted a flexible model that would accommodate future changes, both anticipated and unanticipated, and including distance education, Internet education, and "virtual universities."

The Committee's ultimate decision resulted in a series of recommendations. First, to repeal Chapter 24, Title 33 of Idaho Code and replace it with rules of the State Board of Education flexible enough to change with needed education delivery but strict enough to protect Idaho citizens from unscrupulous providers. Second, allow the State Board of Education to accept legitimate and appropriate courses for academic credit into Idaho's institutions. Third, to improve the transferability of courses and programs within Idaho's postsecondary system. Fourth, use the Board's Academic Affairs and Program Committee to implement and enforce postsecondary education policy as set by the State Board and the Idaho Legislature. Finally, require the registration of proprietary schools with a physical presence in Idaho and develop programs to monitor or register distance education courses or other delivery systems that are delivered to citizens within Idaho. Those recommendations were accepted by the State Board of Education and several action steps were taken.

Current State of the Law

Based on these recommendations, the current version of Chapter 24, Title 33 was enacted into law. In addition, changes to the Board's powers under Idaho Code 33-107(6) were also enacted but will sunset July 1, 1999. While this seemed a workable solution at first, problems soon began to rise. In response to those problems, the Board attempted to enact a comprehensive system of proprietary schools regulation into Board rule and policy in anticipation of the repeal of Chapter 24. However, Chapter 24

was never repealed, and the Boards rules and policies did not match the current version of the code. Consequently, the Board repealed many of its policies and amended its administrative rules to match code.

Current Issues and Problems

Currently, Idaho residents are not protected from unscrupulous education providers. The Idaho Student Tuition Recovery Account does not contain enough funds to reimburse students even when a very small school fails to deliver or goes out of business. In fact, we had one school that closed in mid-semester and the students were reimbursed with approximately only 30 per cent of their lost tuition.

The performance bond required to be posted by such schools who defraud students is also inadequate to cover losses students incur. In fact, in the same school as referenced above, the students who were defrauded or lost tuition, even with a full claim on the bond, received less than a 50% reimbursement.

Third, Idaho, until recently, had become a haven for "degree mills." Many non-accredited proprietary institutions were attempting to set up business in Idaho to sell unearned degrees due to Idaho's lax statutes and lack of enforcement mechanism. Only recently has this been somewhat curtailed by the Board office by the enforcement of a provision that does not allow such schools to offer degrees in Idaho. Such schools may operate and deliver courses, but the awarding of degrees is not allowed unless the school is accredited. This in and of itself has caused numerous problems. In fact, as you may know, the State of Idaho and the State Board of Education were sued by Kennedy Western University, Inc. in federal court. The suit claimed that the State of Idaho and the State Board violated numerous constitutional provisions in our treatment of such "schools" and in fact alleged that the State of Idaho was without the power to regulate private education delivery in Idaho. We have since had this case dismissed from federal court, but are expecting it to be refiled in state court at any time. I have enclosed for your reference a copy of the complaint that was served against us.

There is an ongoing concern and a rising multimillion dollar business of degree selling in this country. As you can see from the attached "20/20" news show, degree mills are on the rise. The state of Louisiana has begun a serious crackdown on such schools to protect its citizens from unscrupulous education providers. The problem is apparent in Idaho. As you probably know, many schools have attempted to start in Idaho that have totally ignored our registration process and begun operation without regard for the law. I am also enclosing information regarding a company called "Canyon College of Idaho, Inc." that is operating in Idaho despite its lack of registration to operate here.

Options

The next question is, where do we go from here to accomplish the two goals of first protecting the citizens of Idaho and second allowing new, innovative and effective methods of education delivery in the state. Our options are as follows:

Allow Idaho Code 33-107(6) to sunset and return the language of 1996;

Modify Idaho Code 33-107(6) to remain as it is now (no sunset);

Revisit both Chapter 24 and Chapter 1 of Title 33 in light of the national issues all states are facing;

Repeal Chapter 24 and allow the State Board of Education to implement Board Rules and Policies to create comprehensive registration and review procedures.

Currently, we are continuing to attempt to enforce Chapter 24. However, we have very little in the way of enforcement for schools that do not comply with the law.

I would appreciate a meeting with you to discuss this matter. I would like our Chief Academic Officer, Robin Dodson, and our Chief Legal Officer, Kevin Satterlee, to attend. During the meeting I hope we can agree which option is best to follow and formulate a plan to move forward.

Thank you for your continued interest in this area.

Sincerely,

Dr. Thomas E. Dillon, President
Idaho State Board of Education

TED:cs

Enclosures: Copy of Complaint
Copy of Other Proprietary School Information
Video Tape

Memorandum _____

TO: Curtis Eaton, Board Legislative Affairs Committee, Chair
Tom Boyd, Board Member, Legislative Affairs Committee
Anne C. Fox, Superintendent of Public Instruction

CC: Marilyn Howard, Superintendent of Public Instruction Elect
Gregory Fitch, Executive Director
Mike Killworth, OSBE, Legislative Affairs Committee

FROM: Kevin Satterlee, Deputy Attorney General

DATE: December 1, 1998

Attached is a copy of a draft legislative proposal regarding the excision and annexation of territory between school districts under Idaho Code 33-308.

At the August and September Board meetings, the Board considered a proposal under the current statute which takes the discretion away from the Board and requires the Board to approve a proposal if it in the best interest of only the children in the area described in the petitions. Then, only the people in the described area get to vote on whether they want to move to the new district. In response to this, the Board requested that I draft a proposal to change the statute.

The proposal first puts the decision back to a discretionary decision of the Board rather than a required decision. Second, the Board may consider what is best for the children residing in the area and also what is best for the children residing in both of the affected districts.

Third, and most important, the election is held with all electors of both affected districts having a chance to vote. This is important due to the constitutional bonded indebtedness question when property moves from one district to another. This proposal also adds that the district that is losing the property specifically votes to release the property from its bonded indebtedness. If all of the electors of both districts are allowed to vote, then the constitutional bonded indebtedness questions should be eliminated.

Finally, the effective date of the change will be within one year of the election but on a date specified by the State Board of Education. This will eliminate the current problem of a potential mid-year school district change and the Board will have the discretion of setting the effective date.

I hope that this is beneficial. Please contact me if you would like anything further on this or if we should contact a legislator regarding sponsoring this legislation.

As a side note, the proponents of the current statute advocated the changes as a local control and "allow people to decide where they want to send their kids to school" type approach. This would lessen that local control and make it more district wide. However, this should also eliminate any constitutional problems regarding the statute and should eliminate lawsuits like the one currently pending.

KDS:cs

TITLE 33
EDUCATION
CHAPTER 3
SCHOOL DISTRICTS

33-308. EXCISION AND ANNEXATION OF TERRITORY.

- (1) A board of trustees of any school district including a specially chartered school district, or one-fourth (1/4) or more of the school district electors, residing in an area of not more than ~~fifty~~ ten (~~5~~10) square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district.
- (2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is proposed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed. The petition shall contain
 - (a) The names and addresses of the petitioners;
 - (b) A legal description of the area proposed to be excised from one district and annexed to another contiguous district;
 - (c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;
 - (d) The names of the school districts from and to which the area is proposed to be excised, and annexed;
 - (e) A description of reasons for which the petition is being submitted; and
 - (f) An estimate of the number of children residing in the area described in the petition.
- (3) The board of trustees of each school district, no later than ten (10) days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state board of education.
- (4) The state board of education ~~shall~~ may approve the proposal provided
 - (a) The excision and annexation is in the best interests of the children residing in the area described in the petition and in the best interests of the children in both the district from which the area is proposed to be excised and the district to which the area is proposed to be annexed; and
 - (b) The excision of the territory, as proposed, would not leave a either school district with a bonded debt in excess of the limit then prescribed by law. If either condition is not met, the state board shall disapprove the proposal. The approval or disapproval shall be expressed in writing to the board of trustees of each school district named in the petition.
- (5) If the state board of education shall approve the proposal, it shall be submitted to the school district electors of each district ~~residing in the area described in the petition~~, at an election held in the manner provided in chapter 4, title 33, Idaho Code. Such election shall be held within sixty (60) days after the state board approves the proposal.
- (6) At the election there shall be submitted to the electors having the qualifications of electors in a school district bond election and residing in the area proposed to be annexed
 - (a) The question of whether the area described in the petition shall be excised from school district no. () and annexed to contiguous school district no. () ~~; and~~

- (b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district; and
- (c) The question of the release of the appropriate proportion of any bonded debt, and the interest thereon, from the proposed excising school district.
- (7) If a majority of the school district electors in each district ~~the area described in the petition~~, voting in the election, shall vote in favor of the proposal to excise and annex the said area, and if ~~in the area~~ the electors in each district voting on the question of the assumption and release of bonded debt and interest have approved such assumption and release by the proportion of votes cast as is required by section 3, article VIII, of the constitution of the state of Idaho, the proposal shall carry and be approved. Otherwise, it shall fail.
- (8) If the proposal shall be approved by the electors in the manner prescribed, the state board of education shall make an appropriate order for the boundaries of the affected school districts to be altered; and the legal descriptions of the school districts shall be corrected as prescribed in section 33-307(2), Idaho Code; provided, however, that such alteration shall take effect within one year of the herein prescribed election on such date as determined in the order of the state board of education.

Subject: Legislative Reading Committee Legislative Proposals

Background: The 1997 Idaho Legislature directed the State Board of Education in cooperation with the State Department of Education to conduct a study of the status of reading education in Idaho. In January 1999, the Committee published its Report to the Legislature on Reading Education in Idaho. The report calls upon educators and policy makers, parents and communities "to vigorously adopt practices that are consistent with the available research on how to teach reading effectively". Major conclusions contained in the report include:

- Learning to read is the most important and challenging skill taught in elementary school.
- In Idaho, as many as 40% of the 4th graders in our schools are reading below grade level.
- For young children to reach their potential as readers there must be a collaborative effort on the part of parents, educators, and communities.
- We have the knowledge to help every child achieve his/her birthright ... to become a successful reader.
- A variety of initiatives in the area of planning, standards, professional development, teacher preparation family and community support are needed to achieve state reading goals.

Discussion: The Reading Report contains a number of specific recommendations many of which will be enacted as education policy through legislative proposals presented to the Legislature during the 1999 session. Draft copies of those legislative proposals are enclosed and summarized below:

- A new section (33-1207A) added to the Code to adopt requirements for teacher preparation programs, to require successful demonstration of ability to teach reading, and to adopt specific requirement for renewal of teacher certification.
- A new section (33-1613) added to the Code to create the position of state reading director and specify duties, and providing the section shall sunset on June 30, 2004. This new section of code also provides for 12 state regional reading specialists.
- A new section (33-1614) added to the Code to require a reading assessment of all public school students in grades K-3, to require interventions to address needs identified, to provide state supplemental funding for approved programs and to govern administration of the assessment test.
- A new section (33-1615) added to the Code to adopt an extended year reading program, to specify reimbursement of costs, and to authorize the State Department of Education to adopt guidelines.
- A new section (33-131) added to the Code to authorize a best practices demonstration pre-school reading readiness intervention program.

Committee Action: To recommend the full Board endorse/table/not endorse the legislative proposals.

Board Action: It was moved by _____, seconded by _____, and carried to endorse/table/not endorse the legislative proposals resulting from the work of the Legislative Reading Committee.

1/8/99 (Killworth)

SEE PRINTED MATERIALS FOR DRAFT LEGISLATION

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SEE PRINTED MATERIALS FOR DRAFT LEGISLATION

Subject: Idaho Education and Technology Oversight Committee Legislative Proposal

Background: In July 1998, Dr. Dillon and Senator Richardson executed a memorandum of understanding to form the Idaho Education and Technology Oversight Committee (IETOC). Among the charges to the Committee was a requirement to make recommendations to the Idaho Council on Technology in Learning (ICTL) regarding ICTL organizational structure, staffing, and funding, which according to statute will then be made to the State Board of Education. The IETOC completed its work and has made several recommendations for revision of state statutes pertaining to the ICTL.

Discussion: The enclosed legislative proposal to Idaho Code Title 33 was approved by the ICTL at their last meeting. The proposal, if it becomes law, will significantly impact the structure and operation of the ICTL. A summary of the changes is as follows:

- The definition of "educational segments" in 33-4803 is more comprehensive.
- The definition of "technology" is expanded and a definition for "telecommunications" is added.
- The Council would be reduced from 15 to 14 members.
- The member makeup of the Council would be changed to include broader representation.
- Establishes a standing higher education information technology committee to advise the Council regarding postsecondary and other education technology and telecommunications issues.
- Establishes a standing subcommittee of the Council to advise the Council regarding only primary and secondary education technology and telecommunications issues.

Recommendation: Approval.

Committee Action: To recommend the full Board endorse/table/not endorse the legislative proposal.

Board Action: It was moved by _____, seconded by _____, and carried to endorse/table/not endorse the legislative proposal.

1/7/99 (Killworth)

ICTL CODE: TITLE 33: IDAHO EDUCATIONAL TECHNOLOGY INITIATIVE

33-4802. FINDINGS. The legislature hereby finds, determines and declares that the state of Idaho recognizes the importance of applying technology to meet the public need for an improved, ~~and~~ thorough and seamless public education system for both elementary and secondary education, postsecondary and higher education and public libraries.

33-4803. DEFINITIONS. As used in this chapter:

(1) "Educational segments" are, individually, the public elementary and secondary school system, the vocational education system, the state library, the state historical society, the state school for the deaf and the blind, Idaho public television, the community colleges, ~~and~~ the four-year colleges and universities, the state department of education and the office of the state board of education.

(2) "IPBS" means ~~the Idaho public broadcasting service.~~

(3) ~~"Instructional video service providers" means publicly and privately funded television agencies that offer instructional video programming and services without commercial advertising.~~

(4) "Libraries" means district, city, ~~and~~ school/community libraries, and the state library as described in chapters 25, 26 and 27, title 33, Idaho Code.

(5) "Technology" means ~~technology-based materials, equipment, systems, and networks~~ all present and future forms of computer hardware, computer software and services used or required for automated data processing, computer-related office automation or telecommunications.

(6) "Telecommunications" means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images over a distance.

33-4804. STATE COUNCIL FOR TECHNOLOGY IN LEARNING CREATED MEMBERSHIP.

(1) There is hereby created and established the state council for technology in learning under the state board of education, referred to herein as the council.

(2) The council shall consist of ~~fifteen (15)~~ fourteen (14) members who shall be appointed as follows:

(a) The superintendent of public instruction, or his designee. The superintendent of public instruction shall appoint one (1) practicing public school administrator as a member.

(b) The governor shall appoint ~~one (1)~~ two (2) business/private sector representatives with experience in applications of technology, and one (1) person who is a member of a local school board as provided in chapter 5, title 33 Idaho Code. Such local school board member shall be appointed by the governor from a list of not less than three (3) nor more than five (5) names submitted by the statewide association representing local school board members, one (1) public librarian, one (1) public school media specialist, one (1) representative of the division of vocational education, one (1) vocational/applied technology teacher, one (1) practicing public school teacher, one (1) practicing public school administrator, one (1) member of the state board of education, and one (1) member of the faculty of a public higher education institution.

(c) The president pro tempore of the Idaho senate shall appoint two (2) members of the senate, one (1) from each of the two (2) largest political parties.

(d) The speaker of the house of representatives shall appoint two (2) members of the house of representatives, one (1) from each of the two (2) largest political parties.

~~(e) The chair~~ A representative of the state board of education's higher education information technology telecommunications council committee as provided in Idaho code §33-4809 and a representative of the public education information technology committee as provided for in Idaho code §33-4810.

(f) The state board of education shall appoint one (1) of its members as a member of the council. In addition, the state board of education shall appoint one (1) member who is currently serving as the president of an Idaho public college or university. The executive director of the state board of education as appointed pursuant to Idaho code §33-102A shall serve as a member of the council.

(g) The state board of education shall select from among the members of the council a chairman who shall call and conduct the meetings of the council pursuant to policies adopted by the council and approved by the state board of education.

(3) At the first meeting of the council after the effective date of this act, the members shall draw by lottery to determine one-half (1/2) of the membership to serve an initial term of two (2) years and one half (1/2) of the members to serve an initial term of four (4) years. Thereafter, all members ~~Members appointed by the governor and legislative leadership~~ shall serve a term of four (4) years but may be removed prior to the expiration of a term at the pleasure of the appointing official. Notwithstanding any other provision of law to the contrary, any member of the council may succeed himself in appointment.

(4) Members of the council shall receive compensation as provided in section 59-509(b), Idaho Code.

33-4805. RESPONSIBILITIES OF THE COUNCIL -- COUNCIL STAFF.

(1) Staff support for the council shall be drawn from the ~~agencies and institutions under and affiliated with the state board of education including, but not limited to, the colleges and universities, community colleges, technical colleges, division of vocational education, department of education, Idaho public television, state library and office of the state board of education~~ educational segments as recommended by the council and approved by the state board of education. The legislative intent is to provide broad representation of the various educational segments with the council staff.

(2) The council shall have the following responsibilities:

(a) Develop and maintain a statewide education technology plan to provide seamless education in Idaho. Such plan shall be subject to annual review and approval by the state board of education.

(4b) Make recommendations to the state board of education on educational technology and telecommunications plans, policies, programs and activities for all educational segments.

(2c) Subject to the approval of the state board of education, administer and develop standards and criteria for the public school technology grants program provided for in section 33-4806, Idaho Code.

(3d) Ensure that the ~~recommendations made in "Telecomm 92"~~ are considered policies set by the information technology resource management council are followed in accordance with Idaho Code §67-5745B and §67-5745C in implementing educational technology programs pursuant to this chapter.

(4e) Collaborate with all educational ~~institutions~~ segments, including libraries, public schools, higher education, technical and community colleges, as well as with professional education associations, and businesses, in recommending priorities for funding and in identifying needs for technology use in education.

(5f) Recommend to the state board of education, standards and procedures for the administration of this act, including, but not limited to, standards for technology-based resources, projects, programs, practices or products to be adopted or adapted, and standards and criteria by which to evaluate the technology-based programs. In addition, the council shall ~~(6) R~~ recommend exemplary programs, practices, or products based on the criteria established ~~in this subsection (5) of this section.~~

(7g) Recommend priorities for uses of educational technology.

(8h) Work with representatives of the governing bodies of the educational segments to develop recommendations or strategies for the coordination, administration, and evaluation of educational technology programs and resources.

(9i) Work with representatives of the governing bodies of the educational segments to identify strategies to coordinate statewide voice, video, and data telecommunications systems that may be accessed by the educational segments.

(40j) To review, evaluate and build upon the educational technology projects in public schools funded through other state initiatives.

(k) To form such subcommittees or task forces as it deems necessary to review matters pertaining to a particular educational segment or to any other issues before the council.

33-4807. EVALUATIONS AND AUDITS. ~~On or before July 1, 1995, the legislative services office shall initiate an interim evaluation of the relative impact, costs and benefits of each of the programs conducted pursuant to the appropriations made for the Idaho educational technology initiative during the second regular session of the fifty-second legislature. The evaluation results shall be reported to the governor, legislature, and state board of education on or before January 1, 1996. On or before July 1, 1996, the state board of education shall initiate a comprehensive evaluation of the relative impact, costs and benefits of each of the programs conducted pursuant to the appropriations made for the Idaho educational technology initiative during the second regular session of the fifty-second legislature. The evaluation results shall be reported to the governor and the legislature on or before July 1, 1997~~ The legislative services office shall, from time to time as directed by the legislature, evaluate and audit the relative impact, cost and benefit of the educational technology programs conducted pursuant to this chapter. The state board of education shall report to the legislature and the governor each year on or before October 1 as to the relative impact, cost and benefit of the educational technology program conducted pursuant to this chapter.

33-4809. The state board of education shall establish a standing subcommittee of the council to be known as the higher education information technology committee the purpose of which is to advise the council regarding post secondary and other education technology and telecommunications issues pertinent to the purposes of this chapter that effect educational segments not including primary and secondary education.

33-4810. The state board of education shall, upon consideration of the recommendations of the superintendent of public instruction, establish a standing subcommittee of the council to be known as the public education information technology committee, the purpose of which is to advise the council

regarding only primary and secondary education technology and telecommunications issues pertinent to the purposes of this chapter. At a minimum, and not by way of limitation, the public education information technology committee membership shall include one vocational education/applied technology teacher, one public school librarian, one public school media specialist, and one public school teacher.

Subject: Scholarship Committee Legislative Proposal

Background: Last legislative session the Board introduced a college savings plan legislative proposal that received significant popular support in the media but was unsuccessful (returned to the sponsor by the House Revenue and Taxation Committee). Also last legislative session, legislators introduced a proposal that was designed to provide an incentive for high school student academic achievement and to encourage students to continue their education at a state postsecondary institution. The Board had concerns about this proposal because it would have drawn funds from the Permanent Building Fund. Approximately 70 percent of Building Fund moneys go to higher education. The proposal was withdrawn by the sponsors during the session. At the Board's April 1998 community meeting in Idaho Falls a legislator asked for Board help to develop a new scholarship legislative proposal. A Board sponsored scholarship committee was formed with a Board member as chair. Legislative representation on the committee included Senator Robert Lee, Representative Doug Jones and Representative Pat Bieter. President Hoover, President Meyerhoeffer, Bob Pearce, Daryl Jones and Daniel Davenport were college and university representatives on the committee. Tom Farley from the Department of Education was also a committee member. All committee members understood from the onset that even though the Board sponsored the committee, there could be no guarantee that a committee proposal would receive an endorsement from the full Board. Also, since the proposal was finalized after the cutoff for Board pre-filed legislation, the legislation would have to be sponsored by an individual legislator.

Discussion: The committee's legislative proposal amends existing statute to create a two-tier scholarship program. The first tier remains unchanged from the current program that is being administered by the Board Office. Under this tier, 109 students (25 percent vocational technical) received an annual award of \$2,750 to attend a public or private Idaho postsecondary institution of their choice. In general, the level of competition for new awardees has vocational technical students in the top 10 percent of their class with an ACT score of 20 or better. Academic students have needed to be in the top three percent of their class with an ACT score of at least 30.

A second scholarship tier that would be added to the existing legislation by the committee's proposal gives students a reasonable opportunity to qualify for a scholarship by maintaining a 3.0 or better grade point average while in high school. This scholarship opportunity should provide a strong incentive for Idaho high school students to strive for academic achievement and to continue their education at an Idaho public postsecondary institution. Currently, only about 47 percent of Idaho high school seniors continue their education while the national average for continuation is more than 60 percent. Approximately 28 percent of our high school graduates go to state public colleges or universities, six percent go to state private schools and 13 percent continue their education out of state.

Committee Action: To recommend the full Board endorse/table/not endorse the Scholarship Committee's legislative proposal.

Board Action: It was moved by _____, seconded by _____, and carried to endorse/table/not endorse the Scholarship Committee's legislative proposal should it be introduced by a legislator.

Legislative Committee (Killworth 12/28/98)

STATEMENT OF PURPOSE

The purpose of this amendment is twofold. First, it will encourage a larger number of our high school graduates to continue their education by providing deserving students a scholarship to help defray education costs. Second, this legislation will provide a powerful incentive for high school students to finish high school and achieve good grades. College costs are rising much faster than the rate of inflation. Changes in federal policy have resulted in a large reduction in the number of federal grants available for postsecondary students in favor of federally backed student loans. About 60 percent of Idaho's four-year college students incur debt to go to college and the average debt load upon graduation is approximately \$15,000. The number of Idaho high school graduates enrolling in college each Fall has been declining. Currently, only about 34 percent of high school graduates elect to continue their education the next academic year at a state public or private postsecondary institution. Thirteen percent of our high school graduates elect to continue their education out of state so the total continuation rate of Idaho high school seniors is approximately 47 percent. The national average continuation rate for high school seniors is over 60 percent. Even though the resident fees to attend Idaho's public colleges are among the lowest in the nation, many of our students cannot afford to continue their education. The State stands to benefit greatly both socially and economically if more of our high school students are motivated to excel academically and to continue their education in an Idaho postsecondary institution. In 1992, the State of Georgia enacted a scholarship program, which provides tuition and fees for four years to qualified students. Many Georgians consider the Hope Scholarship one of the best and most successful policy initiatives in the state's history. The Idaho Incentive Scholarship proposal is modest by comparison to the Georgia Hope scholarship. Under the Idaho proposal, high school graduates with a GPA of 3.0 or better, if enrolled in a state public postsecondary institution within two years of graduation, would receive a scholarship for up to two years of schooling. The scholarship would only partially cover fees and other costs but it will provide an important boost and incentive for students to continue their education.

FISCAL IMPACT

The fiscal impact of this amended legislation will vary with the number of students eligible for a Category B scholarship and electing to continue their education at a state public institution. About 16,500 seniors graduate from Idaho public and private high schools each year and nearly half have a 3.0 or better grade point average. Currently approximately 3,000 of these students attend a state public institution within one year after graduation. If this legislative proposal were successful in motivating 60 percent of those students with a 3.0 or better average to continue their education at an Idaho public institution, each year approximately 4,950 students would be eligible for a scholarship. The award amount each year would be set by the State Board of Education and depend on the amount of public and private funding available. If, for example, the award is set at \$500 per semester (\$1000 per year) for the maximum two-year period, the cost would be \$4,950,000 in the first year and \$9,900,000 each year thereafter. A broadly based scholarship program of the type contained in this legislative proposal is an ideal candidate for funding with Idaho tobacco settlement funds.

33-4303. SHORT TITLE. This act shall be known and cited as the "State of Idaho Incentive Scholarship Program."

33-4304. PUBLIC POLICY. The legislature hereby recognizes and declares that substantial economic and social benefits accrue to the state because of an educated citizenry, and that the encouragement of the state's most talented Idaho secondary school graduates to enroll in Idaho postsecondary educational institutions is an important element for assuring the future leadership for the state.

33-4305. PURPOSES. The purpose of this act is: (1) To establish a state scholarship program for the most talented Idaho secondary school graduates, those graduating with a 3.0 grade point average or better and meeting any other criteria as may be established by the state board of education, who will enroll in undergraduate nonreligious academic and vocational programs in eligible postsecondary institutions in the state; and (2) To designate the state board of education and the board of regents of the University of Idaho as the administrative agency for the state of Idaho incentive scholarship program.

33-4306. DEFINITIONS. As used in this act, unless the context otherwise requires:

~~(1) "Eligible postsecondary institution" means an educational organization within the state as follows:~~

~~(1)~~ ~~(a)~~ "Eligible public postsecondary institution" means a public postsecondary organization governed or supervised by the state board of education, the board of regents of the University of Idaho, a board of trustees of a community college established pursuant to the provisions of section 33-2106, Idaho Code, or the state board of vocational education.

~~(2)~~ ~~(b)~~ "Eligible independent colleges and universities" means any accredited educational organization which is operated privately and not for profit under the control of an independent board and not directly controlled or administered by a public or political subdivision.

~~(3)~~ ~~(2)~~ "Educational costs" means student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and such other expenses reasonably related to attendance at a postsecondary educational institution.

~~(4)~~ ~~(3)~~ "Resident student" means an individual resident student as defined in section 33-3717, Idaho Code.

~~(5)~~ ~~(4)~~ "Full-time student" means an individual who is enrolled in and is carrying a sufficient number of credit hours, or their equivalent, to secure an individual's first degree, certificate, diploma, or less, toward which the individual is working in no more than the number of semesters, or equivalent, normally required by the postsecondary educational institution in the program in which the individual is enrolled.

~~(6)~~ ~~(5)~~ "Undergraduate student" means an individual who is enrolled in a postsecondary educational institution which leads to or is directly creditable toward the individual's first baccalaureate degree, certificate, diploma, or less; provided such baccalaureate degree, certificate, diploma or less program requires at least six (6) months or equivalent of consecutive attendance. A student engaged in a four (4) year baccalaureate program shall not be terminated by having earned an intermediate degree, certificate, or diploma.

(7) (6) "Enrollment" means the establishment and maintenance of an individual's status as a student in a postsecondary educational institution, regardless of the term used at the institution to describe such status.

(8) (7) "Eligible Category A student" means any graduate of an accredited secondary school in the state of Idaho who declares his intention to matriculate in an eligible public postsecondary institution or eligible independent college or university in the state of Idaho during the educational year immediately following such graduation.

(9) "Eligible Category B student" means any graduate of an accredited secondary school in the state of Idaho who declares his intention to matriculate in a public postsecondary institution in the state of Idaho during the two educational years immediately following such graduation and qualifies as a resident student.

(10) (8) "Grant" means an award to an eligible student for matriculation in an eligible postsecondary institution in the state of Idaho.

(11) (9) "Educational year" means the period from July 1 of a year through June 30 of the succeeding year.

(12) (10) "Competitive examination" means standardized examination(s) measuring achievement administered annually on a voluntary basis on a specified date and at specified locations announced publicly.

(13) (11) "High school record" for Category A students means will be defined by the state board of education and the board of regents of the University of Idaho and may include, but not be limited to, an individual's rank in his secondary school class, grade point average, and difficulty of course load taken as certified by an official of such secondary school and the individual's secondary school department as evaluated by at least two (2) officials of such secondary school. High school record for Category B students means an individual's secondary school grade point average as certified by an official of such secondary school.

33-4307. ELIGIBILITY -- MAXIMUM AMOUNTS -- CONDITIONS. A grant may be awarded to an eligible student for matriculation at an eligible postsecondary educational institution in the state of Idaho if:

(1) The individual is accepted for enrollment as a full-time undergraduate student, as follows:

- (a) In the case of an individual beginning his first year or freshman year of postsecondary education, he has satisfied requirements for admission and has enrolled in an eligible postsecondary institution. Eligible Category A students may enroll in either a public postsecondary institution or an independent college or university in the state to be eligible for an award. Category B students must enroll in a public postsecondary institution in the state to be eligible for an award.
- (b) In the case of an individual enrolled in any eligible postsecondary institution following the successful completion of the first term, he continues to meet the requirements of this act and has maintained such high standards of performance as may be required. Provided that high academic standards are maintained in accordance with requirements of this chapter, a student continues to be eligible when transferring from one major program to another.

- (c) In the case of an individual transferring from one (1) eligible postsecondary institution in Idaho to another eligible postsecondary institution in Idaho, he continues to meet the requirements of this act, is accepted at the eligible postsecondary institution to which he is transferring, and has maintained such high standards of performance as may be required. Category A students may transfer to another eligible public postsecondary institution or an eligible independent college or university. Category B students may only transfer to another eligible public postsecondary institution.

(2) The grant for Category A students is in amounts as follows:

- (a) The grant payment to an individual per educational year for attendance on a full-time basis is not in excess of an amount determined annually by the state board of education or in excess of the total educational costs as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant, whichever is less.
- (b) The total grant payments over a period of six (6) years to an individual may not exceed four (4) annual grants or the total educational costs for four (4) educational years completed as certified by an official of the eligible postsecondary institution or institutions attended by the individual receiving the grant, whichever is less.
- (c) ~~(3)~~ The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.
- (d) ~~(4)~~ The grant is awarded on the basis of extraordinary performance in standardized, unweighted competitive examination and high school record
- (e) ~~(5)~~ The individual receiving the grant is not precluded from receiving other financial aids, awards, or scholarships, provided the total of the grant and such other financial aids, awards or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant.
- (f) ~~(6)~~ Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in section 33-306, Idaho Code, be paid to or on behalf of such student in advance.
- (g) ~~(7)~~ The individual has complied with such rules ~~and regulations~~ as may be necessary for the administration of this act.

(3) The grant for Category B students is in amounts as follows:

- (a) The grant payment to an individual per educational year for attendance on a full-time basis is not in excess of an amount determined annually by the state board of education.
- (b) The total grant payments over a period of four (4) years to an individual may not exceed two (2) annual grants.
- (c) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.
- (d) The grant is awarded on the basis of high school record and other criteria as may be established by the state board of education and the board of regents of the University of Idaho.

- (e) The individual receiving the grant is not precluded from receiving other financial aids, awards, or scholarships except that Category A student award recipients are not eligible for Category B awards.
- (f) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at a public postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in section 33-4306, Idaho Code, be paid to or on behalf of such student in advance.
- (g) The individual has complied with such rules as may be necessary for the administration of this act.

33-4308. MAXIMUM NUMBER OF GRANTS. ~~The total number of grants to eligible students shall not exceed one hundred (100) per year, nor a cumulative total number of grants of four hundred (400).~~

(1) The total number of grants to eligible Category A students shall not exceed one hundred (100) per year, nor a cumulative total number of grants of four hundred (400) grants outstanding at any given time.

(2) The total number of grants to Category B students will be determined annually by the state board of education based on the number of eligible students, the individual award amount and availability of funds.

33-4309. REMITTANCE IN CASE OF DISCONTINUED ATTENDANCE. A grant may be made annually for a period not to exceed an educational year. If the student discontinues attendance before the end of any semester, quarter, term, or equivalent, covered by the grant after receiving payment under this act, the eligible postsecondary institution shall remit, up to the amount of any payments made under this grant, any prorated tuition, fees or room and board balances to the state board of education and the board of regents of the University of Idaho. The student shall be required to remit, up to the amount of any other reasonable grant balances, such grant balances to the state board of education and the board of regents of the University of Idaho. In the event of extreme hardship as determined by the state board of education, a student may request waiver of remittance.

33-4310. DISCRIMINATION PROHIBITED. The grants shall be awarded to eligible students without regard to any student's race, creed, color, sex, national origin, ancestry, age or area of academic competence. TITLE 33

33-4311. CERTIFICATIONS OF ENROLLMENT AND TERMINATION OF ATTENDANCE OF GRANT RECIPIENTS. Eligible public postsecondary institutions and independent colleges and universities which accept students under the provisions of this act shall be required to comply with procedures for certification of enrollment of recipients of such grants, and shall be required to certify the termination of attendance by recipients of such grants within thirty (30) days following such termination.

33-4312. STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF UNIVERSITY OF IDAHO AS ADMINISTRATIVE AGENCY. The state board of education and the board of regents of the University of Idaho is hereby designated as the administrative agency for the state scholarship program created by this act.

33-4313. DUTIES OF BOARD. The state board of education and the board of regents of the University of Idaho shall be responsible for:

- (1) Supervision of the issuance of public information concerning the provisions of this act.
- (2) Determination of recipients of grants made pursuant to the provisions of this act.
- (3) Adoption of rules ~~and regulations~~ necessary for processing and approving applications from students.
- (4) Determination of the procedures for payment of grants to recipients.
- (5) Maintenance of fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of funds.
- (6) Submission of annual reports to the governor and legislature.
- (7) Establishment of a reasonable and fair appeal procedure for those students and institutions who may have been adversely affected by the application procedures.
- (8) Holding a public hearing, prior to the adoption of rules ~~and regulations~~, for the purpose of providing interested parties with the opportunity of discussing such rules ~~and regulations~~.
- (9) Acceptance of funds from public and private sources, and such funds are hereby perpetually appropriated to the state board of education for expenditure consistent with the purposes of this chapter.

33-4314. APPOINTMENT OF ADMINISTRATOR AND STAFF. The state board of education and the board of regents of the University of Idaho may appoint an administrator and such other staff; the administrator shall perform such duties as are prescribed by the state board of education and the board of regents of the University of Idaho.

33-4315. NO CONTROL OF NONPUBLIC INSTITUTIONS WHICH ACCEPTS GRANT RECIPIENTS. This act shall not be construed as granting any authority to the state board of education and the board of regents of the University of Idaho to control or influence the policies of any eligible nonpublic postsecondary institution or community college because such institution accepts individuals who receive grants, nor to require any such institution to admit, or, once admitted, to continue in such institution any individual receiving a grant.

Subject: House Bill No. 75 (Selective Service Registration)

Background: The legislation is designed to encourage compliance with the Military Selective Service Act.

Discussion: This legislative proposal provides a new chapter (Chapter 5, Title 46) to Idaho code for the purpose of placing limits on eligibility for certain state educational and employment opportunities unless a person is in compliance with federal statute concerning Selective Service registration. (50 U.S.C., sec. 451 requires all male citizens and every other male person residing in the United States, except for lawfully admitted nonimmigrant aliens, upon reaching their eighteenth birthday to register with the United States selective service system.)

Specifically, this legislative proposal would:

- Preclude a person from enrolling in a state-supported institution of postsecondary education if he is not in compliance with the selective service act.
- Preclude a person from eligibility for a loan, grant, scholarship or other financial assistance for postsecondary education funded by state revenue including federal funds/grants accepted by the state unless he is in compliance with the selective service act.
- Require officials having charge of and authority over state-supported institutions of postsecondary education and over granting of financial assistance for postsecondary education to ensure applicants are in compliance with the selective service act.
- Preclude a person not in compliance with the selective service act from eligibility for employment by the state of Idaho.

Recommendation: Approval.

Committee Action: To recommend the full Board endorse/table/not endorse HB 75.

Board Action: It was moved by _____, seconded by _____, carried to endorse/table/not endorse House Bill No. 75.

STATEMENT OF PURPOSE

This legislation would encourage compliance with the Military Selective Service Act.

FISCAL NOTE

There would be no fiscal impact.

CONTACT PERSON

Darrell Manning

|||| LEGISLATURE OF THE STATE OF IDAHO ||||
Fifty-fifth Legislature First Regular Session - 1999

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 75
BY BLACK

AN ACT RELATING TO MILITARY SELECTIVE SERVICE REGISTRATION; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 46, IDAHO CODE, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE ELIGIBILITY FOR POSTSECONDARY EDUCATION AND FOR FINANCIAL ASSISTANCE, TO PROVIDE ELIGIBILITY FOR EMPLOYMENT AND TO PROVIDE EXCEPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Chapter 5, Title 46, Idaho Code, and to read as follows:

CHAPTER 5

SELECTIVE SERVICE REGISTRATION AWARENESS AND COMPLIANCE

46-501. PURPOSE OF THE CHAPTER. The purpose of this chapter is to encourage compliance with the federal military selective service act and to protect the eligibility of the citizens of this state who are subject to the provisions of the federal statute to receive federal financial assistance for postsecondary education and for employment with the executive branch of the federal government. The federal selective service registration awareness and compliance act requires persons subject to the provisions of the federal military selective service act to be in compliance with the requirements of that federal statute as a condition of eligibility for enrollment at a state-supported institution of postsecondary education, or for state-supported scholarships, programs of financial assistance funded by state revenue including federal funds, gifts or grants accepted by the state, or for employment by the state or any political subdivision.

46-502. LEGISLATIVE FINDINGS. The legislature of the state of Idaho finds that the military selective service act at 50 U.S.C. sec. 451 et seq. Requires all male citizens and every other male person residing in the United States, except for lawfully admitted nonimmigrant aliens, upon reaching their eighteenth birthday to register with the United States selective service system. The legislature further finds that federal statutes limit eligibility for federal student financial assistance and eligibility for employment within the executive branch of the federal government to persons who are in compliance with the requirements of the federal military selective service act.

46-503. ELIGIBILITY FOR POSTSECONDARY EDUCATION AND FINANCIAL ASSISTANCE
RESPONSIBILITY TO VERIFY COMPLIANCE.

- (1) A person may not enroll in a state-supported institution of postsecondary education unless he is in compliance with the federal military selective service act.
- (2) A person may not receive a loan, grant, scholarship or other financial assistance for postsecondary education funded by state revenue, including federal funds or gifts and grants accepted by this state, or receive a student loan guaranteed by the state unless he is in compliance with the federal military selective service act.
- (3) It shall be the duty of all officials having charge of and authority over state-supported institutions of postsecondary education and over the granting of state-supported financial assistance for postsecondary education to assure themselves that applicants are in compliance with the federal military selective service act.

46-504. ELIGIBILITY FOR EMPLOYMENT -- RESPONSIBILITY TO VERIFY COMPLIANCE.

- (1) No male person who has attained the age of eighteen (18) years who fails to be in compliance with the federal selective service act shall be eligible for employment by or service for the state of Idaho, or a political subdivision of the state, including all boards and commissions, departments, agencies, institutions and instrumentalities.
- (2) It shall be the duty of all officials having charge of and authority over hiring of employees by the state or political subdivisions of the state to assure themselves that applicants are in compliance with the federal military selective service act.

46-505. EXCEPTIONS TO THE REQUIREMENTS OF THIS CHAPTER. A person shall not be denied a right, privilege or benefit under this chapter by reason of failure to present himself for and submit to the requirement to register pursuant to the federal military selective service act if:

- (1) The requirement for the person to so register has terminated or become inapplicable to the person;
or
- (2) The person is serving or has already served in the armed forces, or has a condition that would preclude acceptability for military service.

SUBJECT

Proposed change to Idaho Code 33-1003.

BACKGROUND

At the October Board meeting the Board considered a request from Cassia County School District to enable its Newcomer Elementary School to be considered a hardship elementary school under Idaho Code 33-1003. The Board approved the designation of a three-year pilot program subject to the ruling by the Attorney General's Office that such approval was consistent with the statute. The Attorney General's Office, by an opinion issued in December, ruled that this type of "hardship" was not contemplated by the statute and was beyond the Board's authority to do.

DISCUSSION

In response to the Attorney General's Office ruling, the Board's Chief Legal Officer drafted the proposed changes to grant more discretion to the Board and allow the Board to determine what types of hardships may be approved under the statute. In addition, the change adds a review of such decisions at least once every three years to insure the hardship still exists.

RECOMMENDATIONS

The Board staff recommends approval of such for legislative action to insure that Board has the discretion to make these decisions when necessary.

FISCAL IMPACT

This would allow the Board to grant a hardship that would increase the funding for a particular school. Such increase in funding to a particular school would necessarily be spread among all other schools in the state.

COMMITTEE ACTION

To recommend the full Board endorse/table/not endorse the changes to Idaho Code 33-1003 regarding hardship schools and forward/not forward them to the Legislature for action.

BOARD ACTION

It was moved by _____, seconded by _____, and carried to endorse/table/not endorse the changes to Idaho Code 33-1003 and forward/not forward them to the Legislature for action.

TITLE 33
EDUCATION
CHAPTER 10
FOUNDATION PROGRAM -- STATE AID – APPORTIONMENT

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM.

1. Decrease in Average Daily Attendance. -- Any school district which has a decrease in total average daily attendance of one percent (1%) of its average daily attendance in the then current school year from the total average daily attendance used for determining the allowance in the educational support program for the school year immediately preceding, the allowance of funds from the educational support program may be based on the average daily attendance of the school year immediately preceding, less one percent (1%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district.

2. Application of Support Program to Separate Schools in District.

a. Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.

b. Hardship Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within the school district, not otherwise qualifying, are entitled to be counted as a separate elementary school as defined in section 33-1001, Idaho Code, when, in the sole discretion of the state board of education, special conditions, as such may determined by the state board of education, exist warranting the ~~retention~~ designation of the school as a separate attendance unit and the retention or operation of such school or schools results in ~~a substantial~~ an increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of the district's elementary grade school pupils. Such hardship designations made by the state board of education shall be reviewed by the state board of education no less than once every three years to determine whether the special conditions continue to warrant the hardship status.

c. Separate Secondary School. -- Any separate secondary school shall be allowed to participate in the educational support program as though the school were the only secondary school operated by the district.

d. Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.

3. Remote Schools. -- The board of trustees of any Idaho school district which operates and maintains a school which is remote and isolated from the other schools of the state because of geographical or topographical conditions may petition the state board of education to recognize and approve the school as a remote and necessary school. The petition shall be in form and content approved by the state board of education and shall provide such information as the state board of education may require. Petitions for the recognition of a school as a remote and necessary school shall be filed annually at least ninety

(90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board of trustees of its decision. Schools which the state board of education approves as being necessary and remote shall be allowed adequate funding within the support program for an acceptable educational program for the students of the school. In the case of a remote and necessary secondary school, grades 7-12, the educational program shall be deemed acceptable when, in the opinion of the state board of education, the accreditation standard relating to staff size, established in accordance with section 33-119, Idaho Code, has been met. The final determination of an acceptable program and adequate funding in the case of a remote and necessary elementary school shall be made by the state board of education.

4. Support Program When District Boundaries are Changed.

a. In new districts formed by the division of a district, the support program computed for the district divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, is to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.

b. When boundaries of districts are changed by excision or annexation of territory, the support program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in subsection 4a. hereof.

c. In new districts formed by consolidation of former districts, the support program allowance for a seven (7) year period following the formation of the new district, shall not be less than the combined support program allowances of the component districts in the last year of operation before consolidation.

5. For the fiscal year which commences on July 1, 1986, and for each succeeding fiscal year, any school district whose adjusted market value for assessment purposes decreases forty percent (40%) or more from the previous year's adjusted market value for assessment purposes as such valuation existed on December 31, is eligible to receive an adjustment to its educational support program entitlement, subject to qualifications as follows

a. The adjusted market value for assessment purposes has decreased forty percent (40%) or more from the previous year's adjusted market value for assessment purposes as such valuation existed on December 31; and

b. The school levy to be certified for the general maintenance and operation fund shall be no less than four-tenths of one percent (.4%); and

c. An eligible school district has made application to the state department of education for an adjustment to entitlement from the state educational support program on or before June 1 of the fiscal year. Such application must document the need for additional funds and must include a district plan to minimize impact of a reduced local tax base.

Subject: First Reading - Amendment of the Board's Governing Policies and Procedures Manual to include the Legislative Committee.

Background: The Legislative Committee of the Board has operated for several years but has not been formally incorporated into the Board's Policy Manual. An amendment to the Board's Bylaws to establish the Legislative Committee had a first reading in October 1996. A final reading of the proposed policy change was not scheduled. Due to the time elapsed and because the policy change proposed below has been significantly altered since the first reading, it is being presented again for a first reading.

Discussion: The Committee has played an important role in coordinating the Board's legislative activities. Continued operation of the Committee will help the Board stay proactively involved in legislative issues impacting education.

Recommendation: The Board's Governing Policies and Procedures Manual should be amended to formally provide for the existence and operation of the Board's Legislative Committee. The suggested first reading amendment to the Policy Manual Bylaws is as follows:

Idaho State Board of Education - Governing Policies and Procedures, Bylaws, (H) Committees of the Board, (5) Legislative Affairs Committee.

a. Purpose

The Legislative Affairs Committee is a standing committee of the Board and is responsible for coordinating all legislative activities of the Board. This will include, at the direction of the Board, development and processing legislative proposals from Board governed agencies and institutions, keeping the Board informed of other legislative proposals which would significantly impact legislation in the state and coordinating Board responses concerning legislative issues or legislative requests.

b. Composition

The Legislative Affairs Committee is composed of two (2) or more members of the Board, appointed by the president of the Board, who shall designate one (1) to serve as chairperson of the committee. Representatives from each institution and agency governed by the Board will be non-voting members of the Committee.

c. Responsibilities and Procedures

The Legislative Affairs Committee works with the full Board to communicate its priorities to the Legislature and the Governor. It is responsible for making recommendations to the Board in the following general areas:

- (1) Agency and institutional legislative items.
- (2) Legislation to enhance and/or improve education in Idaho.
- (3) Proposed legislation from other sources that may impact education in Idaho.
- (4) Coordination of Board member legislative activities to ensure the Legislature is fully informed of the Board's vision and goals for education in Idaho and the Board's position on important legislative issues.

d. Agenda numbers - 6.0 series

Agenda color - beige or buff

Committee Action: To recommend the full Board approve/table/disapprove of the policy change in relation to the Legislative Committee for First Reading.

Board Action: It was moved by _____, seconded by _____, and carried to approve/table/disapprove the policy change in relation to the Legislative Committee for First Reading.

PRE - LEGISLATIVE UPDATE
January 7, 1999

Bill # Contact [related legislation]	Agency	Purpose	Status
<u>H 11</u> Patric Cudmore, F&G	UI	Deletes the annual transfer of \$100,000 of hunting & fishing license funds to the UI Caine Veterinary Teaching & Research Center.	House 1 st Reading
<u>H 29</u> Mike Killworth, OSBE	SBOE	Repeal sections of the Idaho Code found to be unconstitutional and replace them with the previous Code now contained in the footnote. Restoring the original statute will provide clarity on the current state of the law. Sections affected are 33-101, 33-102 & 33-2802. <i>*SBOE endorses</i>	House 1 st Reading
<u>H 30</u> Mike Killworth, OSBE	SBOE	Repeal Idaho Code 33-3719 regarding the Paul Fowler Scholarship Fund. Funding for the scholarship is terminating; therefore, this legislation would repeal the pertaining statute. <i>*SBOE endorses</i>	House 1 st Reading
<u>H 39</u> Charles Bolles, ISL	ISL	Amend Idaho Code 33-2506 to allow participation in the Library Improvement Account by school, academic, and special libraries in addition to public libraries. <i>*SBOE endorses</i>	House 1 st Reading
<u>H 48</u> Pat Young, IDVR	IDVR	Amend Idaho Code section 33-2301, Acceptance of Federal Acts, to update references to federal acts regarding vocational rehabilitation. <i>*SBOE endorses</i>	House 1 st Reading
<u>H 49</u> Steve Guerber, ISHS	ISHS	Amend Idaho Code 67-4124 relating to the ISHS Board of Trustees. Clarifies the role of ISHS, deletes consideration of party affiliation for trustees' appointments, establishes geographical regions and limits terms. <i>*SBOE endorses</i>	House 1 st Reading
<u>H 50</u> Rep. Jim Stoicheff	All Agencies	Would decrease the amount of money going into the Budget Stabilization Fund from 1% of the total budget to 1% of the surplus only. Also removes the lid on the amount of funds that can be appropriated from the Budget Stabilization Fund in a given year.	House 1 st Reading
<u>H 75</u> Darrell Manning	Higher Ed	Would make persons who are not in compliance with the Federal Selective Service Act ineligible to enroll at or receive financial assistance for postsecondary education at state-supported institutions. It will be the duty of all officials having charge of and authority over state-supported institutions to assure themselves that applicants are in compliance.	House 1 st Reading